

Application No. 10/089,854
Amendment dated March 31, 2005
Reply to Office Action of October 1, 2004

Docket No. 0887-4151US1

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments to the claims and following remarks.

Status of the Claims

Claims 1-58 are pending in this application. Claims 1, 13, 20, 26, 38, 43, 47 and 49-53 are independent. All of the pending claims stand rejected. By this Supplemental Amendment, independent claims 1, 13, 20, 26, 38, 43, 47 and 49-53 are amended. No new matter has been added by this Supplemental Amendment.

Rejection under 35 U.S.C. §102

Claims 1-4, 13-15, 18, 20, 26-34, 38-41, 43-45 and 47-58 have been rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,793,969 to Kamentsky et al. ("Kamentsky").

Independent claims 1, 13, 20, 26, 38, 43, 47 and 49-53 have been amended for further clarification. In particular, amended claim 1 recites, among other things, "capturing at least one second image corresponding to a selected area of the first image, said second image having a higher magnification than the first image." Other amended independent claims (i.e., claims 13, 20, 26, 38, 43, 47 and 49-53) recite similar features to claim.

As Applicant explained in the previous amendment filed March 30, 2005, one of the aspects of the present invention is directed to a virtual telemicroscope in which a remote user (i.e., a pathologist) connected to the virtual microscope system of the present invention with a network (e.g., an Internet) can conduct a diagnosis of the species as if he is manipulating a light microscope. For example, the user, while viewing a first image, may point out a selected area of

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the first image. The virtual microscope system of the present invention then present a second image which is the image of the selected area of the first image having a higher magnification than the first image using the linking information map.

It appears in Kamentsky's system that the entire background image and the local images are taken at any magnification, i.e., there is no teaching that the local images are taken at a higher magnification than the entire background image as specifically required by the present invention as featured in independent claims 1, 13, 20, 26, 38, 43, 47 and 49-53 as amended.

Accordingly, each of independent claims 1, 13, 20, 26, 38, 43, 47 and 49-53 as amended is believed neither anticipated by nor rendered obvious in view of Kamentsky for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 13, 20, 26, 38, 43, 47 and 49-53 under 35 U.S.C. §102 (b) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such actions respectfully requested.

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AUTHORIZATION

No further petitions or additional fees are believed due for this Supplemental Amendment and/or any accompanying submissions because Applicant paid the required fees for the extended time along with the Amendment filed March 30, 2005. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 0887-4151US1).

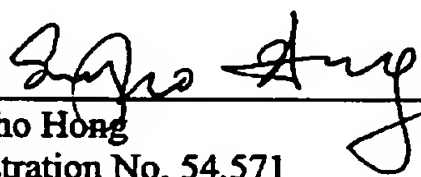
A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 31, 2005

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